

**Zoning Ordinance Approval**  
**CITY OF AUSTIN**  
**RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: 99**  
**AGENDA DATE: Thu 12/15/2005**  
**PAGE: 1 of 1**

**SUBJECT:** C14-05-0159 - Champion Tract - Tract 1 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5800-6802 FM 2222 and 6100-6172 Loop 360 and 6507 Winterberry Drive (West Bull Creek Watershed) from multi-family residence-limited density-conditional overlay (MF-1-CO) combining district zoning, neighborhood commercial-conditional overlay (LR-CO) combining district zoning, general office-conditional overlay (GO-CO) combining district zoning, and single-family residence-standard lot (SF-2) district zoning to multi-family residence-limited density-conditional overlay (MF-1-CO) combining district zoning, community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning, general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning, and single-family residence-standard lot (SF-2) district zoning. First reading approved on December 1, 2005. Vote: 4-2, Council Members Alvarez and Kim - Nay. Council Member McCracken off the dais. Property Owners: Champion Assets, Ltd.; Champion Legacy; Champion Meier Assets (Michael J. Whellan). Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Jerry Rusthoven, 974-3207.

**REQUESTING DEPARTMENT:** Neighborhood Planning and Zoning

**DIRECTOR'S AUTHORIZATION:** Greg Guernsey

## SECOND/THIRD READINGS SHEET

**ZONING CASE NUMBER:** C14-05-0159

**REQUEST:**

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code for the property locally known as Champion Tract 1 to MF-1-CO, GR-MU-CO, GO-CO and SF-2-CO.

**CONDITIONS MET AS FOLLOWS:** Conditional overlay and restrictive covenant incorporates the conditions imposed by Council on first ordinance reading.

**APPLICANT:** City of Austin

**AGENT:** Neighborhood Planning and Zoning Department (Jerry Rusthoven)

**DEPARTMENTAL COMMENTS:**

On February 19, 2004, the applicants for this zoning case filed a lawsuit against the City. They claim, in part, that the application of City zoning ordinances enacted in 2000 violates a 1996 settlement agreement with the City because of the trip count limitation on this tract as well as three other tracts. They seek declarations consistent with their position, as well as damages for breach of contract and inverse condemnation. That case is styled *Josie Ellen Champion, Champion Assets, Ltd., A Texas Limited Partnership, Alma Juanita Champion Meier, Champion-Meier Assets, Ltd., a Texas Limited Partnership, Mary Margaret Champion Roberson, and Champion Legacy Partners, Ltd., a Texas Limited Partnership v. City of Austin*, Cause No. GN400513, in Travis County District Court

On August 18, 2005 the City Council approved the Champion Mediation Agreement which abated the above referenced lawsuit while new zoning cases were filed which contained the conditions listed in the recommended conditional overlay. If the zoning cases are approved by the City Council the Champions will dismiss the lawsuit against the City with each party bearing their own costs and attorney fees.

**DATE OF FIRST READING/VOTE:**

Approved on first ordinance reading the Zoning and Platting Commission's recommendation of GR-MU-CO, MF-1-CO, SF-2-CO and GO-CO zoning with a conditional overlay that will limit the traffic on tracts 1, 2 and 3 to 11,000 adjusted vehicle trips per day, omit any limitations on setbacks or building square footage, limit any rooftop to not over 820 feet above sea level and require a fiscal posting of \$40,000 at the time of site plan release for improvements to RM 2222 improvements (which may be released if not drawn in 10 years) and allow a principal retail use and its accessory uses to not exceed 50,000 sq ft of gross floor area. A principal food sales and its accessory uses may not exceed 100,000 sq ft.

Vote: 4-2-1.

**CITY COUNCIL DATE & ACTION:**

Nov 17 2005: Postponed to Dec 1 2005.

Dec 1, 2005: Approved ZAP recommendation on 1<sup>st</sup> reading (4-2-1) CM Alvarez, Kim  
voting no, CM McCracken off the dais

**ORDINANCE READINGS:** 1st 12/01/05 2<sup>nd</sup> 3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Jerry Rusthoven

**PHONE:** 974-3207

**E-MAIL:** jerry.rusthoven@ci.austin.ci.tx.us

## ZONING CHANGE REVIEW SHEET

**CASE:** C14-05-0159

**Z.A.P. DATE:** November 1, 2005

**C.C. DATE:** December 1, 2005

**ADDRESS:** 5800-6802 FM 2222, 6100-6712 Loop 360, 6507 Winterberry Drive and 6702-6710 Capitol of Texas North

**OWNERS:** Champion Assets Ltd. (Josie Ellen Champion) **AGENT:** Jerry Rusthoven  
City of Austin NPZD

**ZONING FROM:** MF-1-CO, LR-CO, GO-CO and SF-2-CO

**TO:** MF-1-CO, GR-MU-CO, GO-CO and SF-2-CO

**AREA:** 144.35 acres

**ZONING AND PLATTING COMMISSION RECOMMENDATION:** Approve staff recommendation.

**CITY COUCIL ACTION** Approved ZAP recommendation on 1<sup>st</sup> reading on December 1,2005 (4-2-1), CM Alvarez and Kim voting no, CM McCracken off the dais.

### **SUMMARY STAFF RECOMMENDATION:**

### **ISSUES:**

Lolocated on the north side of FM 2222 at the northwest intersection of Loop 360 and FM 2222-- This case is comprised of 2 past zoning cases, C14-98-0161 and C14-99-0076. Case C14-98-0161 changed the zoning to SF-2-CO. The conditional overlay limited trips to 6,500 per day for the whole Champion property. Case C14-99-0076 changed the zoning to MF-1-CO, GO-CO and LR-CO. The conditional overlay limited the property to 6,500 vehicle trips per day for the whole Champion property and limited office square footage to 230,000 square feet and retail square footage to 40,000 square feet. There were additional conditions regarding clean up of the property that are not a part of the new request. The applicant is now requesting a change to MF-1-CO, GO-CO, SF-2-CO and GR-MU-CO. A new conditional overlay will limit the traffic on tracts 1, 2 and 3 to 11,000 adjusted vehicle trips per day, omit any limitations on setbacks or building square footage, limit any rooftop to not over 820 feet above sea level and require a fiscal posting of \$40,000 at the time of site plan release for improvements to RM 2222 improvements (which may be released if not drawn in 10 years) and allow a principal retail use and its accessory uses to not exceed 50,000 sq ft of gross floor area. A principal food sales and its accessory uses may not exceed 100,000 sq ft. The addition of MU zoning will allow for a mixed use development which is compatible with the City's planning goals. The additional trips proposed for the Champion development as a whole are below the amount recommended by the staff in the original Champion TIA. The GR zoning district is appropriate along major roadways such as RM 2222 & City Park Road.

### **DEPARTMENT COMMENTS:**

In 2004 the Council denied case C14-04-0116 which sought to add MU to the LR & GO portions of this property and remove the trip limitation.

On February 19, 2004, the applicants for this zoning case filed a lawsuit against the City. They claim, in part, that the application of City zoning ordinances enacted in 2000 violates a 1996 settlement agreement with the City because of the trip count limitation on this tract as well as three other tracts. They seek declarations consistent with their position, as well as damages for breach of contract and inverse condemnation. That case is styled *Josie Ellen Champion, Champion Assets, Ltd., A Texas Limited Partnership, Alma Juanita Champion Meier, Champion-Meier Assets, Ltd., a Texas Limited Partnership, Mary Margaret Champion Roberson, and Champion Legacy Partners, Ltd., a Texas Limited Partnership v. City of Austin*, Cause No. GN400513, in Travis County District Court

On August 18, 2005 the City Council approved the Champion Mediation Agreement which abated the above referenced lawsuit while new zoning cases were filed which contained the conditions listed in the recommended conditional overlay. If the zoning cases are approved by the City Council the Champions will dismiss the lawsuit against the City with each party bearing their own costs and attorney fees.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	MF-1-CO, LR-CO, GO-CO, SF-2-CO	Multifamily
<i>North</i>	SF-2-CO	Single Family
<i>South</i>	GO-CO	Undeveloped
<i>East</i>	Not Zoned	Loop 360
<i>West</i>	GR-CO, LR-CO	Retail

**AREA STUDY:** Bull Creek Study

**TIA:** Reviewed in 2000.

**WATERSHED:** Bull Creek

**DESIRED DEVELOPMENT ZONE:** No

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** Yes

**NEIGHBORHOOD ORGANIZATIONS:**

- |  |   |
|--|---|
| #098 – Lakewood Homeowners Association               | #439 – Concerned Citizens for P&B of 2222 |
| #180 – Austin City Parks Neighborhoods               | #475 – Bull Creek Foundation              |
| #184 – Bull Creek Homeowners Association             | #608 – Jester Homeowners Association      |
| #382 – Shepherd Mountain Homeowners Association      | #965 – Old Spicewood Springs Rd. N.A.     |
| #426 – River Place Residential Community Association | #434 – Lake Austin Business Owners        |

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>PLANNING COMMISSION</b>	<b>CITY COUNCIL</b>
C14-97-0162	LR to GR	Approved staff rec. of GR-CO for tracts 1, 2 and 3. Tract one	Approved P.C. rec. (Vote: 7-0). 2/26/98.

		limited to Dry Cleaning as only GR use plus all LR uses. Tracts 2 and 3 limited to Restaurant (general) as only GR use plus all LR uses (Vote: 9-0). 1/13/98	
C14-98-0161	DR to SF-2-CO	Approved SF-2-CO (Vote: 8-0). 8/31/98. See attached ordinance	Approved SF-2-CO (Vote: 5-0). 3/9/99.
C14-98-0162	SF-2 to GO-CO	Approved GO-CO (Vote: 8-0). 8/31/98. See attached ordinance	Approved GO-CO (Vote: 5-0). 3/9/99.
C14-99-0076	DR and SF-2 to MF-1-CO and GO-CO	Approved MF-1-CO and GO-CO (Vote: 5-2-1). 8/31/98. See attached ordinance.	Approved MF-1-CO and GO-CO (Vote: 5-0). 3/9/99
C14-99-0077	DR to LR-CO	Approved GR-CO (Vote: 7-1) 8/31/98. See attached ordinance	Approved LR-CO (Vote: 5-0). 3/9/99.

**ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION
RM 2222	240'	80'	Major Arterial
Loop 360	Varies	Varies	Major Arterial

**CITY COUNCIL DATE:** November 17, 2005  
December 1, 2005

**ACTION:** PP to Dec 1  
Approved 1<sup>st</sup> reading

**ORDINANCE READINGS:** 1<sup>st</sup> Dec 1 2005                      2<sup>nd</sup>                      3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Jerry Rusthoven

**PHONE:** 974-3207

## **EXISTING CONDITIONS**

### **Site Characteristics**

A portion of site is currently developed with multifamily and the rest is undeveloped. There is an approved site plan for an office building on the GO portion of the site.

### **Transportation**

The trip generation under the requested zoning would be no more than 11,000 adjusted trips per day on tracts 1, 2 and 3 of the Champion property

RM 2222 is classified in the Bicycle Plan as a Priority 2 bike route. (Route #419)

Capital of Texas Highway is classified in the Bicycle Plan as a Priority 1 bike route. (Route #9)

There are no existing sidewalks along RM 2222 or Loop 360

### **Impervious Cover**

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Bull Creek Watershed of the Colorado River Basin, and is classified as a Water Supply Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under the current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% NSA with Transfers</i>
One or Two Family Residential	30%	40%
Multifamily Residential	40%	55%
Commercial	40%	55%

### **Environmental**

The site is subject to the environmental regulations per the 1996 Settlement Agreement between the Champions and the City.

According to flood plain maps, there is flood plain in the project location. Under the current watershed regulations, offsite drainage should be calculated to determine whether transition zone exists within the project location. If transition zone is found to exist within the project area, allowable impervious cover within said zone shall be limited to 18%.

The site is located within the endangered species survey area and must comply with the requirements of Chapter 25-8 Endangered Species in conjunction with subdivision and/or site plan process.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention.

### **Right of Way**

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

### **Water and Wastewater**

The landowner intends to serve the site with City water and wastewater utilities. Water and wastewater utility improvements are necessary to serve each lot and land use. The landowner will be responsible for all costs and providing. Also, the water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City of Austin utility design criteria and specification.

### **Compatibility Standards**

The site is subject to compatibility standards. Along the eastern property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection. Additional design regulations will be enforced at the time a site plan is submitted.

The site/A portion of the site is located within 1,000 feet of Loop 360 & RM 2222 and within a Hill Country Roadway Corridor. The southern portion of the tract is located within the high intensity zone with the remainder of the tract located within the moderate intensity zoning of the Hill Country Roadway. The site may be developed with the following maximum floor-to-area ratio (FAR):

Slope	Maximum FAR high / moderate intensity
0-15%	0.30 / 0.25
15-25%	0.12 / 0.10
25-35%	0.03 / 0.05

Except for clearing necessary to provide utilities or site access, a 100 foot vegetative buffer will be required along both roadways. At least 40% of the site (excluding dedicated right-of-way) must be left in a natural state. The allowable height is as follows: Within 200 feet of Loop 360 or RM 2222 the maximum height is 28 feet, and beyond 200 feet the maximum height is 53 feet in the high intensity zone and 40 feet in the moderate intensity zone.

Prior to the issuance of a building permit for the proposed use, a site plan must be approved by the Zoning & Platting Commission